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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,623	09/29/2003	Tokuji Kuroda	2003-1375A	6241

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WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021

EXAMINER

ZHAO, DAQUAN

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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10/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/671,623

Applicant(s)

KURODA, TOKUJI

Examiner

Daquan Zhao

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 8/1/2007 have been fully considered but they are not persuasive.
2. On page 9 of the remark, applicant's representative argues Quan does not disclose a boundary detecting device configured to detect a boundary between a copyrighted work and a non-copyrighted work in a first video signal, and generating file structure information indicative of boundaries between the copyrighted work and the non-copyrighted work in a video file.
3. Quan teaches in column 9, lines 18-31, and figure 2, a Logic Timing Circuit 52, to indicate the boundary of the "anti-copy signal" is between lines 10 through 20 in the vertical blanking interval of the video signal. Therefore, lines 10 and 20 are consider to be "boundary between the copyrighted work and the non-copyrighted work in the first video signal" and the Logic Timing Circuit 52 corresponds to the "boundary detecting device"
4. Lines 10 and 20 in the vertical blanking interval of the video signal also corresponds to "file structure information indicative of boundaries between the copyrighted work and the non-copyrighted work in the video file" the Logic Timing Circuit 52 corresponds also to the file (video file) "structure information generating device" because the Logic Timing Circuit 52 generates timing signal to indicate the time period (or boundaries) of the copyrighted work. Claim 7 does not require the "boundary detecting device" and the "file structure information generating device" to be different.

Claim Status

Claims 1-6 are cancelled; and claim 7-9 are new.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Quan (US 6,058,191).

Regarding claim 7, Quan teaches a first video signal containing information representing a copyrighted work and information representing a non-copyrighted work (e.g. column 8, line 65- column 9, line 31, and figure 2, modulated RF television signal with copy protection), comprising:

- copyright information detecting means which extracts copyright information inserted in the first video signal (e.g. column 6, lines 22-24, extraction of the signal component containing the copy protection signals);
- active pixel period detecting means which detects an active pixel period of the first video signal, and generates an active period decision signal (e.g. column 9, lines 20-32, and figure 2, circuit 52 indicates

active video lines in which anti-copy signal are present. Active pixel period corresponding to the period of active video lines);

- video signal output means which outputs a second video signal containing information representing another non-copyrighted work (e.g. figure 2, unmodulated RF carrier or modulated carrier without copy protection from a second RF source, column 10, lines 41-column 11, line 2);
- video signal generating means which generates a third video signal by replacing the first video signal by the second video signal in the active period when it is determined based on the copyright information and the active period decision signal that the first video signal represents the information representing the copyrighted work (e.g. column 10, lines 41-column 11, line 2, signal on lead is replaced during the period of the copy protection signals by signals on lead 78 in figure 2); and
- recording means which records the third video signal on a recording medium as one video file (e.g. column 10, lines 41-column 11, line 2).
- a boundary detecting device configured to detect a boundary between a copyrighted work and a non-copyrighted work in a first video signal (column 9, lines 18-31, and figure 2, a Logic Timing Circuit 52, to indicate the boundary of the "anti-copy signal" is between lines 10 through 20 in the vertical blanking interval of the video signal. Therefore, lines 10 and 20 are consider to be "boundary between the

copyrighted work and the non-copyrighted work in the first video signal” and the Logic Timing Circuit 52 corresponds to the “boundary detecting device”); and

- generating file structure information indicative of boundaries between the copyrighted work and the non-copyrighted work in a video file (Lines 10 and 20 in the vertical blanking interval of the video signal also corresponds to “**file structure information** indicative of boundaries between the copyrighted work and the non-copyrighted work in the video file” the Logic Timing Circuit 52 corresponds also to the file (video file) “structure information generating device” because the Logic Timing Circuit 52 generates timing signal to indicate the time period (or boundaries) of the copyrighted work. Claim 7 does not require the “boundary detecting device” and the “file structure information generating device” to be different).

Quan fails to teach a video signal recording apparatus for digitally recording. The examiner takes official notice for a video signal recording apparatus for digitally recording since it is well known in the art. It would have been obvious for one ordinary skill in the art at the time the invention was made to digitally record the copyright-protection-disable video signal taught by Quan to increase the storage efficiency.

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2. Claims 8 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Quan (US 6,058,191) as applied to claim 7 above, and further in view of Ohtsuka (US 5,077,734).

See the teaching of Quan above.

*10/15/01
TTC*
Regarding to claims 8 and 9, Quan ^{*fails*} ~~fails~~ to teach a clock capable of identifying a period shorter than a frame period of the first video signal. Ohtsuka teaches a clock capable of identifying a period shorter than a frame period of the first video signal (e.g. column 12, line 60 -column 13, line14). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Ohtsuka into the teaching of Quan to reduce the transmission error when the signals are synchronized.

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Ground(s) of rejections are maintained. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07 (a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

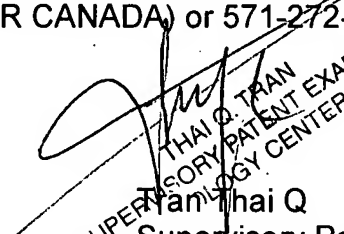
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing data of this action. In the event a first reply is filed within TWO MONTHS of the mailing data of this action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period. Then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing data of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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